IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.WRIT PETITION NO.830 OF 2007

Parashuram Kashinath Chavan ..Petitioner

Vs.

The State of Maharashtra ..Respondent

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Mrs.Sonia Miskin Advocate (appointed) for Petitioner
Mr.M.S.Mhambre APP for State

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CORAM: R.M.S.KHANDEPARKAR, AND SMT.V.K.TAHILRAMANI, JJ.

DATE : JULY 20, 2007

P.C.[PER SMT.V.K.TAHILRAMANI,J.]:

1. Heard the learned advocate for the Petitioner-convict and the learned APP for the State. Rule. By consent, Rule is made returnable forthwith.

2. The Petitioner had been released on furlough. However, he overstayed the period of furlough by 92 days. Hence, punishment came to be imposed on him of cutting of remission of four days for each day that he overstayed. The said order was confirmed

by the Sessions Court. The Petitioner is now praying that the said punishment be set aside.

3. The reason for overstay is that the mother of the petitioner was suffering from heart problem due to which she was required to be hospitalised and there was no other member in the family who could take care of the mother. It is due to this reason that the petitioner overstayed the period of furlough. It is also noticed that the petitioner was not arrested and brought back to the prison but he has himself surrendered back to the prison. The learned APP on instructions states that the conduct of the petitioner in prison in the last few years has been good. Looking to all these facts, we are inclined to reduce the period of punishment i.e. instead of cutting of four days of remission for each day of overstay, only one day shall be cut for each day of overstay.

4. Rule made absolute accordingly.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]